

Chapter 10.36

DISORDERLY CONDUCT

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10.36.010 Riot.

A. A person is guilty of riot if:

1. Simultaneously with two or more other persons, such person engages in tumultuous or violent conduct and thereby knowingly or recklessly creates a substantial risk of causing public alarm;

2. Such person assembles with two or more other persons with the purpose of engaging, soon thereafter, in tumultuous or violent conduct, knowing that two or more other persons in the assembly have the same purpose; or

3. Such person assembles with two or more other persons with the purpose of committing an offense against a person or property of another who such person supposes to be guilty of a violation of law, believing that two or more other persons in the assembly have the same purpose.

B. Any person who refuses to comply with a lawful order to withdraw given to him

immediately prior to, during or immediately following a violation of subsection (A)(1) of this section, or its successor, is guilty of riot.

C. It is no defense to a prosecution under this section that withdrawal must take place over private property; provided, however, that no persons so withdrawing shall incur criminal or civil liability by virtue of acts reasonably necessary to accomplish the withdrawal. Any person found guilty of riot shall be guilty of a misdemeanor.

10.36.020 Disturbing the peace.

A. A person is guilty of disturbing the peace if such person:

1. Refuses to comply with the lawful order of a law enforcement officer to move from a public place;

2. Knowingly creates a hazardous condition;

3. Intending to cause inconvenience, annoyance or alarm, or recklessly creating a risk thereof:

a. Engages in fighting, violent, tumultuous or threatening behavior;

b. Uses words that are intended to cause acts of violence by the person to whom the words are addressed;

c. Makes unreasonable noises in a private place which could be heard in a public place;

d. Maliciously or willfully disturbs the peace or quiet of another or of any public place by making an unreasonably loud noise or by discharging firearms;

e. Obstructs vehicular or pedestrian traffic, except as allowed pursuant to the provisions of Title 11; or

f. Transmits in any manner to another a false alarm to the effect that a bomb or other explosive would endanger human life, knowing at the time of such transmission that there is no reasonable ground for believing that such a bomb or explosive is concealed in such a place.

B. "Public place," for the purpose of this section, means any place to which the public

or a substantial group of the public has access, and includes but is not limited to streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

C. Any person found guilty of disturbing the peace shall be guilty of a misdemeanor if the offense continues after a request by a person to desist. Otherwise, it is an infraction.

10.36.030 Disrupting a meeting or procession.

A. A person is guilty of disrupting a meeting or procession if, intending to prevent or disrupt a lawful meeting, procession or gathering, he obstructs or interferes with the meeting, procession or gathering by physical action, verbal utterance, or any other means under circumstances which could cause a breach of peace.

B. Any person found guilty of disrupting a meeting or procession shall be guilty of a misdemeanor.

10.36.040 *Reserved*

10.36.050 Failure to disburse.

A. A person is guilty of failure to disburse when such person remains at the scene of a riot, disorderly conduct or an unlawful assembly after having been ordered to disburse by a law enforcement officer.

B. This section shall not apply to a person who reasonably attempted to but was unable to leave the scene of a riot or unlawful assembly.

C. Any person who fails to disburse shall be guilty of a misdemeanor.

10.36.060 Drinking and drunkenness in public places.

A. It is unlawful to:

1. Drink liquor in a public building, park or stadium; or
2. Be under the influence of alcohol, a controlled substance, or any substance having

the property of releasing toxic vapors to a degree that the person may endanger himself or another, if such person is in a public place or in a private place where he unreasonably disturbs other persons.

B. A law enforcement officer may release from custody an individual arrested under this section, if he believes imprisonment is unnecessary for the protection of the individual or another; or a law enforcement officer may take a person arrested under this section to a detoxification center or other special facility designated by the courts of Utah or by state law, as an alternative to jail incarceration for such offenses.

C. An offense under this section is a misdemeanor.

10.36.065 Unlawfully opening, possessing or consuming an alcoholic beverage in a public place.

A. Unlawful to Have Open Containers of Alcohol in Designated Areas. No person shall open, possess, or consume from an open bottle, can or other receptacle containing an alcoholic beverage in an unpermitted public place.

B. Definitions.

1. "Unpermitted public place," as used in this section, means:

a. Any street, right of way, sidewalk, alley, publicly owned property or state or county road located within the city limits and which abuts upon: (i) any county- or city-owned real property; (ii) any business required to have a city business license pursuant to chapter 5.04 of this code;

b. Boarded or abandoned commercial buildings;

c. Vacant lots in areas zoned for commercial or manufacturing uses; or

d. Any publicly owned building or publicly owned real property.

"Unpermitted public place" shall not mean or include a premises or area identified in a license or permit issued by the city as authorizing the possession or consumption of alco-

hol, when there is conformance with the applicable license or permit restrictions; businesses specifically permitted under title 5 of this code; businesses licensed as “home occupation” as defined by title 19 of this code; or apartment houses or “apartments” as defined by title 19 of this code.

2. “Alcoholic beverages,” as used in this section means “beer” and “liquor” as defined in *Utah Code Ann.* § 32A-1-105.

3. “Open bottle, can or other receptacle,” as used in this section, means a container having within it an alcoholic beverage, which container has been opened, its seal broken or the contents of which have been partially consumed.

C. An offense under this section shall be a misdemeanor.

10.36.070 Loitering.

A. A person is guilty of loitering if such person:

1. Appears at a place or at a time under circumstances that warrant alarm for the safety of persons or property in the vicinity, and upon inquiry by a law enforcement official, such person fails to give a reasonably credible account of his identity, conduct, or purposes;

2. Loiters, remains, wanders, or lingers idly in or about a school, either by walking, sitting, standing, or by sitting in or upon a vehicle or conveyance, not having any reason or relationship involving custody of or responsibility for a pupil or student or any other specific, legitimate reason for being there, and not having written permission from anyone authorized to grant the same, and upon inquiry of a law enforcement official, such person fails to give a reasonably credible account of his identity, conduct or purposes;

3. Loiters, remains, wanders or lingers idly in or about a building, lot, street, sidewalk or any other public or private place, either by walking, sitting, standing, or by sitting in or upon a vehicle or conveyance, without appar-

ent reason and under circumstances which justify suspicion that he may be engaged in or about to engage in a crime, and upon inquiry of a law enforcement official, such person fails to give a reasonably credible account of his identity, conduct or purposes; or

4. Is on or in any public area as hereafter defined, and which person:

a. Remains, wanders idly or prowls:

i. In a manner or at a time not usual for law abiding citizens; or

ii. Under circumstances that warrant a reasonable alarm or immediate concern for the safety of persons or property in the vicinity; or

iii. Accosts other persons in any public place or in any place open to the public for the purpose of begging;

b. Refuses to obey the lawful command of a law enforcement officer to move on, or provide to said police officer a lawful reason for remaining on or in said public area.

B. A law enforcement officer’s command shall be lawfully given when the alleged loitering by such person creates or causes to be created:

1. A breach of the peace;

2. The actual or attempted obstruction, molestation or interference of any other person lawfully on or in any public area, as hereafter defined, in such a manner as to cause such other person to reasonably fear for his safety;

3. The obstruction or attempted obstruction of the free normal flow of vehicular traffic, or the normal passage of pedestrian traffic in said public areas; or

4. The unreasonable disturbance of any person acting lawfully on or in any said public place;

C. For the purposes of subsection A(4) of this section, “public area” means any place open to the public, including but not limited to any common public area of any shopping mall, public way, street, highway, alley or park.

D. No person shall be convicted under

this section if the explanation such person gave of his conduct and purposes was true and, if believed by the law enforcement official at the time, would have dispelled the alarm.

E. Loitering is a misdemeanor.

10.36.080 Camping and sleeping on public grounds.

A. It is unlawful for any person, and such person shall be guilty of a misdemeanor for each day of violation hereof, to camp, lodge, cook, make a fire or pitch a tent, fly, lean-to, tarpaulin, umbrella or any other type of ground cover or shelter, or place sleeping bags, bedding or any other type of camping or sleeping equipment on any public grounds, as defined in subsection (B) of this section, and it is unlawful for any person, and such person shall be guilty of a misdemeanor for each day of violation hereof, to use or benefit from the use of any of the foregoing items of shelter or camping or sleeping equipment to fail to remove the same from such public grounds more than five minutes after being requested to do so by any law enforcement officer or citizen.

B. For the purpose of this section, the term "public grounds" means any real property owned in whole or in part by the United States of America and its agencies, or the state of Utah or any of its political subdivisions, upon which no camping or sleeping has been authorized by the owner.

10.36.100 Solicitation of person(s) with intent to have another commit an offense specified in *Utah Code Ann.* § 58-37-8.

A. It is unlawful for any person to request, or solicit a controlled substance, or controlled substance precursor from another person, except as permitted by applicable federal and state laws.

B. Definitions. As used in this section:

1. "Controlled substance" means a drug,

substance or immediate precursor as defined by *Utah Code Ann.* § 58-37-2(4) or its successor.

2. "Controlled substance precursor" means any material defined as a controlled substance precursor by *Utah Code Ann.* § 58-37c-3(2) or its successor.

C. Violation of this section is a misdemeanor.